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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/369,570	08/06/1999	MARCELLO TONCELLI	DRAGO-P86-RE	6991

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EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
1733	19

DATE MAILED: 04/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/369,570	TONCELLI, MARCELLO	
	Examiner	Art Unit	
	Jeff H. Aftergut	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
 - 2a) This action is FINAL. 2b) This action is non-final.
 - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-6, 14-27 and 29-38 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 - 5) Claim(s) ____ is/are allowed.
 - 6) Claim(s) 1-6, 14-27 and 29-38 is/are rejected.
 - 7) Claim(s) ____ is/are objected to.
 - 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

Reissue Applications

1. Claims 1-6, 14-27, and 29-38 are rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. See *Hester Industries, Inc. v. Stein, Inc.*, 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998); *In re Clement*, 131 F.3d 1464, 45 USPQ2d 1161 (Fed. Cir. 1997); *Ball Corp. v. United States*, 729 F.2d 1429, 1436, 221 USPQ 289, 295 (Fed. Cir. 1984). A broadening aspect is present in the reissue which was not present in the application for patent. The record of the application for the patent shows that the broadening aspect (in the reissue) relates to subject matter that applicant previously surrendered during the prosecution of the application. Accordingly, the narrow scope of the claims in the patent was not an error within the meaning of 35 U.S.C. 251, and the broader scope surrendered in the application for the patent cannot be recaptured by the filing of the present reissue application.

In U.S. Patent 5,670,007 (of which this application is a reissue), the sole independent claim recited the following limitations:

“providing a slab of stone material having a rear substantially smooth face **free of grooves or recess** .”(emphasis added)

and

“**inserting a reinforcing layer between the coated non-twisted linear reinforcing elements and the rear face of the slab of stone material**” (emphasis added)

These are “omitted limitations” in the independent claims in this application (09/369,570). More specifically, claim 1 as amended now does not recite the inserting of a reinforcing layer between the coated non-twisted linear reinforcing elements and the rear face of the slab or stone material while claim 21 now recites that the smooth face has grooves or

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recesses therein. "A reissue claim is broadened where some limitation of the patent is no longer in the reissue claim," see MPEP 1412.02, page 1400-9, Rev. 2, Feb. 2000. The independent reissue claims have been broadened to omit the limitation relating to: (1) the exclusion of grooves or recesses on the rear face of the stone slab (claim 21), and: (2) the inclusion of a reinforcing layer between the coated non-twisted linear reinforcing elements and the rear face of the stone slab material (claim 1 and possibly claim 21).

If the limitation now being omitted or broadened in the present reissue was originally presented/argued/stated in the original application to make the claims allowable over a rejection or objection made in the original application, the omitted limitation relates to subject matter previously surrendered by applicant, and impermissible recapture exists. " MPEP 1412.02, page 1400-9, Rev. 2, Feb 2000. Both limitations were *presented* by appellant in the response dated 12-23-96 (a copy of which was made of record with the Examiner's Answer dated 2-23-01). The response was filed by appellant in an attempt to overcome a prior art rejection postulated by the examiner. Both limitation were strenuously *argued* by applicant in the response dated 12-23-96 in the patented file where applicant argued that:

"Also emphasis has also been added to the claim to establish that it is a rear face of the stone slab material which is free from grooves or recesses, because as will be pointed out, this is another distinction from the prior art.", see page 5 of the response.

Additionally appellant is referred to page 7 of the response dated 12-23-96 where appellant argues that:

"Clearly, Toncelli '015 calls for the formation of grooves, and the placement of the rods in the grooves, and then the placement of resin into the grooves. Applicant starts out with a non-grooved surfaces, and creates the formation of areas between which the resin is inserted by calling for the provision of the non-twisted linear reinforcing elements on to a rear face of a slab of stone material having a rear face free of grooves or recesses. This

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clearly removes all of the references of record, because the main references has been removed, and therefore the modifying references have also been removed."

Finally, the applicant is referred to page 4 where there is a discussion of the inclusion of claim 7 (which as originally presented recited that a reinforcing material was disposed between the non-twisted reinforcement and the slab) in claim 1 was addressed and applicant stated in the response dated 12-23-96 of the patent:

"Claim 1 was also amended to include the subject matter of claim 7 and the additional limitation of hardening of the resin, both which limitations clearly distinguish claim 1 from the combination of references applied...".

The appellant is additionally advised that in response to the amendment filed by appellant dated 12-23-96 the examiner allowed claims 1-6 and 8-21 and presented the following reasons for allowance in the patented file (to which there were no comments made by applicant in response to the same):

"None of the prior art of record teaches disposing a reinforcing layer between the linear reinforcing elements and the rear face of the slab of stone material (where rear face of the stone material was substantially smooth and free from grooves or recesses)".

Clearly, the reason that the earlier claims were allowed was because the rear face of the stone slab was free from grooves or recesses and there was a layer of reinforcing material between the linear non-twisted members and the rear face of the slab. Hence, the above noted "omitted limitations" was originally *presented* and strenuously *argued* in the original application to render the claims allowable over a prior art rejection and the examiner's reasons for allowance indicated that the "omitted limitations" distinguished over the prior art. The above noted omitted limitations therefore relate to subject matter previously surrendered in the original application.

"Reissue claims that are broader in certain aspects and narrower in other vis-à-vis claims canceled from the original application to obtain a patent may avoid the effect of the recapture

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rule if the claims are broader in a way that does not attempt to reclaim what was surrendered earlier.” MPEP 1412.02 (REISSUE CLAIMS ARE BROADER IN SCOPE IN SOME ASPECTS, BUT NARROWER IN OTHERS). Also: “[i]f the reissue claim is as broad as or broader in an aspect germane to prior art rejection, but narrower in another aspect completely unrelated to the rejection, the recapture rule bars the claim”, *In re Clement*, supra at 1165. The independent reissue claim 1 is “narrower” in scope than the patented claim since the claim requires that there be a **layer** of non-twisted linear reinforcing elements **applied to the rear face of the slab** (emphasis added). These narrowing limitations, however are **not** at all related to the “omitted limitations” of an insertion of a layer of reinforcement between the coated non-twisted reinforcing elements and the rear face of the slab of stone material and the manner in which they defined over the prior art. Since the narrowing aspect is not related to the prior art rejection and not related to the subject matter surrendered in the original application, recapture exists and claims 1-6 and 14-20 are properly rejected under 35 USC 251. The independent reissue claim 21 is “narrower” in scope than the patented claim since the claim requires grooves into which linear reinforcing elements are inserted with the prescribed amount of resin therein, it requires that a layer of non-twisted linear reinforcing elements were applied to the rear face of the stone slab, and the hardening of the resin wherein two layers of liner reinforcing elements are associated with the rear of the stone slab. These added, narrowing limitations are not at all related to the “omitted limitation” of an insertion of a layer of reinforcement between the coated non-twisted reinforcing elements and the rear face of the slab and additionally are not related to the lack of grooves on the rear face of the slab. Since the narrowing aspect is not related to the prior art

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rejection and not related to the subject matter surrendered in the original application, recapture exists and claims 1-6 and 14-20 are properly rejected under 35 USC 251.

Claim Rejections - 35 USC § 102/103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5, 6, and 14-16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Japanese Patent 6-64076 (machine translation provided herein).

Japanese Patent '076 taught the application of non-twisted linear reinforcing members upon the rear surface of a natural stone marble piece wherein the one impregnated a layer of glass or carbon fibers 2 with a resin 6 and applied the same to the rear face of a stone 100 where it would appear from the Figures that the stone 100 was free from any grooves or recesses and was substantially flat. The reference taught that the stone onto which the linear non-twisted reinforcement was applied would have included marble and further would have included stones of a thickness of less than 10 mm in thickness and further including thicknesses of less than 5

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mm. The reference additionally suggested that the resin to reinforcement ratio in the reinforcement would have been determined experimentally but that it would have included 50:50 or lower ratios. The applicant is further advised that the resin was hardened after application to the stone with heat and/or through the use of a catalyst. The applicant is more specifically referred to page 3, the summary of the invention, the first full paragraph of the summary, page 9, lines 2-4 of the machine translation, page 10, paragraph [0013] of the page, page 11, paragraph [0015] of the page, and page 15, paragraph [0025] of the translation.

While the reference did not expressly state that the face of the stone onto which the resin impregnated fiber layer was joined would have been a "substantially smooth" fact of the stone, there is no reason to believe that the stone was anything but substantially smooth and flat as the stone was depicted as being the same and free of any grooves or recesses therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the techniques of Japanese Patent 6-64076 to attach a reinforcing material to a substantially smooth and flat (and free of recesses or grooves therein) stone face in order to allow one to utilize lighter weight stone materials and provide the desired stiffness to the finished panel to facilitate ease of handling.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-6, 14-16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent 2,405,625 (newly cited) in view of Japanese Patent 6-64076 optionally further taken with either one of E.P. 255,795 or Japanese Patent 76-048792 (abstract only).

French Patent taught that it was known to apply a fabric mesh reinforcement to the backside of a stone panel wherein the same was impregnated with an epoxy resin. The reference suggested that one skilled in the art would have applied the resin between the reinforcing mesh and the stone face being reinforced. More specifically, the reference suggested that one would have applied the glass fiber reinforcing mesh material 2 onto both sides of a single stone piece 1 with an epoxy resin 2. the reference suggested that this arrangement was set (the resin hardened) and then one severed the stone 1 through its thickness in order to produce two panels as depicted in Figure 3. the reference clearly envisioned the use of a "matting" directly adjacent the stone in order to reinforce the same. the reference failed to teach that the resin employed was applied to the material in the specified ratios relative to the reinforcement. Additionally, there is no indication as to how the material was hardened in the operation. Finally, the reference did not expressly state that one skilled in the art would have impregnated the non-twisted linear reinforcing layer of material as was performed in the claimed operation prior to assembly with the stone.

The reference to Japanese Patent 6-64076 suggested the specified amount of resin to reinforcement. The applicant is referred to paragraph 4 above for a complete discussion of the reference. The reference made it abundantly clear that one would have hardened the resin after the same was impregnated into the fabric and that the assembly of the fabric and the resin was then attached to the stone. As such, it would have been viewed as an alternative operation for

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impregnation with none but the expected benefits and disadvantages which would have been readily ascertained by the ordinary artisan. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the impregnating techniques of Japanese Patent 6-64076 when applying a matting to the rear face of a stone panel as performed by French Patent 2,405,625.

With regard to claim 2, note that the references suggested that one skilled in the art would have utilized glass strands as the linear non-twisted fiber of the reinforcement. Regarding claim 3, note that French Patent 2,405,625 suggested "matting" with the grid arrangement on the back of the stone panels. Regarding claim 4, note that the reference to Japanese Patent 6-64076 suggested that those skilled in the art would have employed 33% resin and 66% reinforcement (see paragraph [0015] of the translation. Regarding claims 5, 6, and 15, the reference to Japanese Patent 6-64076 suggested a panel thickness of less than 5 mm and the reference to French Patent 2,405,625 suggested thin panels for the articles. Regarding claim 14, see the discussion of the Japanese Patent above regarding the use of glass strand the use of the specified ratio. Regarding claim 16, the Japanese reference suggested that heat and/or a catalyst would have been used with the resin in order to cure the same. Regarding claims 18 and 19, the references to both the Japanese Patent and the French Patent taught the use of glass fibers within a resin matrix wherein the resin matrix to glass fiber ratio was within the specified ranges. While neither one of the references expressed what the linear dilatation coefficient was for the glass threads, the material employed (glass threads) was the same material and it was used for the same purpose. One skilled in the art would have therefore expected that the glass fibers of the references would have provided a glass thread having the specified linear dilatation coefficient (and such linear

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dilatation is taken as convention in the art for glass threads). Note that the size of the threads as well as the percent of resin was suggested by Japanese Patent '076, regarding claim 20, one skilled in the art at the time the invention was made would have understood that multiple layers of the glass threads was known as suggested by Japanese Patent '076 and additionally would have readily recognized the need to employ mats which coefficient of linear expansions which closely matched the stones to which the mats were applied (because the use of layers which have similar coefficients of thermal expansion would have been desired in order to prevent future delamination in use). Note that the same materials were employed by the references and one skilled in the art would have expected that these materials would have had the same properties.

While the references suggested that one skilled in the art would have known to employ a fabric against the stone, to further emphasize that such was a well known technique in the art, the references to either one of E.P. 255,795 or Japanese Patent 76-048792 (abstract only) expressly suggested that it was known at the time the invention was made to apply a reinforcing material adjacent a stone wherein the reinforcement was a glass fabric (glass cloth). The applicant is more specifically referred to the abstract of Japanese Patent '792 and page 7, under the heading "3. Flexural strengths of the reinforced slabs" as well as Figures 7, 11-13 of E.P. '795. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the techniques of Japanese Patent 6-64076 when applying a matting to the rear face of a stone panel as performed by French Patent 2,405,625 wherein as evidenced by either one of E.P. 255,795 or Japanese Patent 76-048792 (abstract only) one skilled in the art would have known to apply a glass fabric adjacent the stone (wherein the fabric was one with non-twisted linear reinforcement therein).

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7. Claims 17, 21-27 and 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over E.P. 631,015 in view of E.P. 623,714 (newly cited) further taken with French Patent 2,405,625 (newly cited), Japanese Patent 6-64076 and optionally further taken with either one of E.P. 255,795 or Japanese Patent 76-048792 (abstract only).

E.P. '015 taught that it was known at the time the invention was made to form a gridwork on the rear face of a stone slab and inset reinforcing members into the grooves provided therein. The reinforcing members provided within the grooves included glass fibers which were impregnated with resin. The reference failed to teach that one skilled in the art would have applied an additional layer of reinforcing elements over the same prior to setting of the resin of the same. additionally, the reference was silent as to the use of a resin to reinforcement ratio of at most 50:50.

E.P. '714 taught that it was known to provide reinforcement within the grooves of a stone panel and to provide an additional layer of reinforcing material to the backside of the same to cover the grooves bearing the reinforcement, see column 10, lines 13-23. the reference suggested that the ordinary artisan would have been able to determine a suitable reinforcement for the same (in the example the layer applied was one of reinforcement which was not woven). To further evidence that those skilled in the art would have known to provide a matting as the supplemental reinforcement the references to French Patent 2,405,625 (newly cited) , Japanese Patent 6-64076 optionally further taken with either one of E.P. 255,795 or Japanese Patent 76-048792 (abstract only) are cited. Additionally, the reference is silent as to the amount of resin employed with the reinforcing material, however the reference to Japanese Patent '076 suggested the same. The applicant is referred to paragraph 6 above for a complete discussion of the references to French

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Patent 2,405,625, Japanese Patent 6-64076, E.P. 255,795 and Japanese Patent 76-048792 (abstract only). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a supplemental reinforcement upon the reinforcing material disposed in the grooves of E.P. 631,015 as suggested by E.P. 623,714 wherein such supplemental reinforcement would have included fabric reinforcements as suggested by French Patent 2,405,625, Japanese Patent 6-64076 and optionally either one of E.P. 255,795 or Japanese Patent 76-048792 (abstract only) wherein the specified ratio of resin to fiber in the reinforcement was suggested by Japanese Patent 6-64076 and such would have been determined through routine experimentation dependent upon the strength properties one wished to attain in the finished laminate.

Applicant is referred to paragraph 6 above for a complete discussion of the various dependent claims.

Amendment to Claim

8. The form of the reissue claims (those claims submitted which were not present in the patented file) when amended is to be one where the claim is completely underlined and the form of the claim only includes the claim as it is amended (no underlining separately portions which are added and bracketing of portions removed). Future amendments to the added claims in the reissue should be made in this fashion. A courtesy copy of the claims with the amendments (where one uses underlining and bracketing to show additions and deletions) is helpful and appreciated but not required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 26, 27, 30-33, and 36-38 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These claims recite that there is additional linear reinforcement (further linear reinforcing members) disposed between the layer of reinforcement and the stone, however they all depend from independent claim 21 which recited that the linear reinforcing member was disposed in the grooves of the panel. The applicant is advised that the use of multiple (further linear reinforcement between the pane having the grooves with the reinforcement in the grooves as well as a matting disposed over the grooves) was not disclosed in the original disclosure and as such applicant was not in possession of the same at the time the application was filed.

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 1-6, 14-16, and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 17, the language "non-linear" appears. This appears to be in error in that the reinforcing elements have been defined as "non-twisted linear" reinforcing elements and not "non-linear" reinforcing elements. It is suggested that one line 17 of claim 1 the language "non-linear" be changed to --non-twisted linear—to avoid any confusion.

Double Patenting

13. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

14. Claims 1-6, 14-16, and 18-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, and 11 of U.S. Patent No. 6,205,727. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patented claims identified above suggested that one would have applied a layer of non-twisted linear reinforcement to the rear face of a stone panel in order to provide reinforcement for the same and further provided a reinforcement to the visible layer of the panel as well. It should be noted that the claims at hand do not exclude such application to the visible face of the panel and as such the issuance of the newly amended claims would be an unfair extension of applicant's exclusive right to such a claim where common ownership was not required to be maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 703-308-2069. The examiner can normally be reached on Monday-Friday 6:30-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
April 12, 2002